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DATE: April 6, 2007

Florida House of Representatives
Summary Claim Bill Report

Bill #: HB 293
Sponsor: Rep. Seiler
Companion Bill: SB 70 by Sen. Posey
Special Master: Stephanie Birtman

A. Basic Information:

1. **Claimants:** Anthony John Angelillo
2. **Respondent:** Miami-Dade County
3. **Amount Requested:** \$250,000
4. **Type of Claim:** Equitable; result of a settlement agreement.
5. **Respondent's Position:** Agrees not to object to the claim bill.
6. **Collateral Sources:** Mr. Angelillo receives Social Security Disability payments of \$764 per month, as the result of this accident.
7. **Attorney's Fees:** The claimant's attorney has submitted documentation that his fees are limited to 25% of the recovery, and include lobbying fees of \$12,500. Outstanding costs are estimated to be \$2,500.
8. **Prior Legislative History:** HB 793 (2005) was filed by Rep. Kottkamp, passed the Claims Committee, and died in the Justice Council. SB 32 (2005) was filed by Sen. Campbell and was never heard by a Senate committee.

HB 863 (2006) was filed by Rep. Kottkamp, passed the Claims Committee and died in the Justice Council. SB 70 (2006) was filed by Sen. Campbell and was never heard by a Senate committee.

B. Procedural Summary: On December 16, 2002, the claimant and his minor son filed a negligence suit against Miami-Dade County in the Eleventh Judicial Circuit in and for Dade County. A settlement agreement was reached whereby the parties agreed to settle the claim for a total of \$450,000 of which the county has paid \$200,000. The claim bill amount of \$250,000 is to be distributed as follows:

- A 25% attorney's fee in the amount of \$62,500, which includes a \$12,500 lobbying fee;
- Costs in the amount of \$2,500; and
- The remainder of \$185,000 to be split evenly with \$92,500 going to Mr. Angelillo and \$92,500 going to Jackson Memorial Hospital in complete and final satisfaction of the lien.

A resolution of the Jackson Memorial Hospital lien was an essential component of the settlement. The \$200,000 that has already been paid was distributed as follows:

- \$100,000 to Mr. Angelillo:
 - \$28,000 in partial resolution of the Jackson Memorial lien;
 - A reduced attorney's fee of 15% in the amount of \$15,000 plus costs of \$4,672; and
 - The remainder of \$51,827.86 to Mr. Angelillo.
- \$100,000 for the benefit of claimant's son, Anthony Jacob Angelillo:
 - Attorney's fees of 25% in the amount of \$25,000; and
 - The remaining \$75,000 deposited into a guardianship account for the sole benefit of Anthony.

C. Facts of Case: On April 30, 2002, Anthony Angelillo, then aged 35, was riding his motorcycle at the posted speed limit of 35 m.p.h., back to his job at Gold Rush, where he was the general manager. He was heading east on NW 58th Street and proceeded through the intersection of 107th Avenue. At the same time, a Miami-Dade police officer in the course and scope of his employment, turned left at the intersection, striking Mr. Angelillo. Both parties claimed that they had the green light. Sufficient credible evidence was presented to find that the officer breached his duty to yield the right of way to the claimant: the claimant's motorcycle had already entered the intersection and was struck in the rear by the police car, and a witness saw that the light was green as he pulled behind the police car. As a result of the accident, Mr. Angelillo has a steel plate connecting his upper shoulder to his arm, a severed left foot (which was grafted back on by physicians), a broken clavicle, and a collapsed lung. He has 50% use of his right arm, no use of his left foot, and severe disfigurement and scarring. Medical bills totaled over \$470,000; he did not have health insurance. It is notable that at the time of the accident, Mr. Angelillo's motorcycle license was suspended for failure to pay a parking ticket, though such suspension does not appear on the current driver record prepared by the Department of highway Safety and Motor Vehicles, and he was not cited for driving with a suspended license at the time of the accident. Officer Savage was not disciplined for this accident, as the Crash Review Panel determined that the accident was non-preventable. He has however, had 11 prior accidents in the line of duty over his 31 years with the Department, five of which were deemed preventable.

SM: _____ Date: _____
Stephanie O. Birtman